

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

**BRIAN HARRIS,**

**Petitioner,**

**v.**

**ERIC FRANKLIN, Warden,**

**Respondent.**

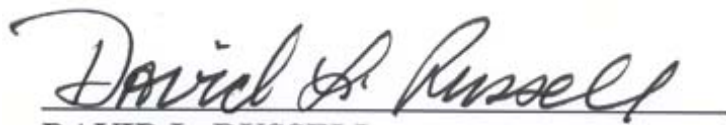
)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

**Case No. CIV-11-947-R**

**ORDER**

Before the Court is the Report and Recommendation of United States Magistrate Judge Bana Roberts entered February 27, 2012. Doc. No. 12. No objection to the Report and Recommendation has been filed nor has an extension of time in which to object been sought or granted. Therefore, the Report and Recommendation of the Magistrate Judge is ADOPTED, Respondent's motion to dismiss [Doc. No. 10] is GRANTED and the Amended Petition<sup>1</sup> herein is DISMISSED as untimely.

IT IS SO ORDERED this 26<sup>th</sup> day of March, 2012.

  
**DAVID L. RUSSELL**  
**UNITED STATES DISTRICT JUDGE**

---

<sup>1</sup>Petitioner's Objection [Doc No. 6] to a prior Report and Recommendation has been construed as an "Amended Petition."